

**PLANNING AND ZONING COMMISSION
DRAFT MINUTES
GENERAL MEETING/PUBLIC HEARING
NOVEMBER 10, 2015**

Place: Room 206, Town Hall

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:
Cameron, Olvany, Sini, Jr., Voigt, DiDonna, Cunningham

STAFF ATTENDING: Ginsberg, Keating
RECORDER: Syat
Channel 79

GENERAL MEETING

Chairman Cameron opened the meeting at 8 P.M. and read the first agenda item:

Election of Officers

Mr. Voigt nominated Mrs. Cameron as Chairman. That motion was seconded by Mr. Sini. There were no other nominations. Mrs. Cameron was unanimously approved as Chairman.

Mr. Sini nominated Mr. Olvany as Vice-Chairman. That motion was seconded by Mr. Cunningham. There were no other nominations. Mr. Olvany was unanimously approved as Vice-Chairman.

Mr. Sini nominated Mr. Voigt as Secretary. That motion was seconded by Mr. Cunningham. There were no other nominations. Mr. Voigt was unanimously approved as Secretary.

Adoption of 2016 Meeting Schedule.

Commission members reviewed the draft schedules of both the Planning and Zoning Commission and the Aquifer Protection Agency (APA). Mr. Olvany suggested that the October APA meeting be held on October 11 to coincide with the scheduled Planning & Zoning Commission that night. All members agreed. Mr. DiDonna made a motion to approve the two calendars for 2016 with that one change. That motion was seconded by Mr. Sini, and unanimously approved.

Informal presentation regarding Old Town Hall Homes, Boston Post Rd/Academy Street.

Attorney Bruce Hill was present on behalf of the Darien Housing Authority. He explained that the conceptual plans are generally the same as what the Commission saw informally a few months ago. Mr. Hill said that this will be the same team that redeveloped Allen O'Neill homes into The Heights at Darien. He then introduced architect Bill Crosskey, who worked with the Housing Authority on The Heights at Darien. Mr. Crosskey showed a survey of the existing two acre property, which is located in the DB-1 Zone. There are now two driveways to access the on-site buildings—one on Boston Post Road, and one on Academy Street. There are 55 units proposed for seniors—an increase over the 30 which are now on-site at present. He explained that 61 parking

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spaces are proposed—six of which will be available for use by the Community Fund, which has a building on this property. He then showed the floor plans. He showed the relationship of the entrance drive and proposed retailing wall. He noted that there will not be changing the grades near the perimeter of the property, and will keep most of the trees near the perimeter.

Mr. DiDonna then asked about the size of the units. Mr. Crosskey responded that the units will range from 625 square feet to 793 square feet. The average will be approximately 708 square feet. They will mostly be one bedroom units, and there will be one two-bedroom unit on the second and third floor, which will be about 793 square feet in size. There will be no studio apartments.

Mr. Crosskey then showed proposed elevations, including the pitched roof. Mrs. Cameron asked if this proposed new building will be as set back as the building at 745 Boston Post Road. Mr. Crosskey said that the proposed building will be 25 feet at its closest point to Academy Street, and 30 feet at its closest point to Boston Post Road. It will have an asphalt shingle roof, and have varying colors and a brick base. Mrs. Cameron asked if Mr. Hill had seen the list of suggested features prepared in an e-mail by Human Services Director Olive Hauser. Mr. Crosskey and Mr. Hill said that they had seen that e-mail. Mr. Olvany asked if there would be any rules regarding use of the balconies. Mr. Todd McClutchy responded that there will be rules for use of the balconies and outdoor areas, similar to The Heights at Darien. All units will have outdoor spaces except those facing Boston Post Road. Mr. Crosskey said that those units will have bay windows.

Mr. Cunningham asked about the breakdown of the existing 30 on-site units. Mrs. Jan Raymond of the Darien Housing Authority responded that they are now mostly studios (20 of them), with ten one-bedroom units. In response to a question, there are no couples now living there. Mr. Hill mentioned that the existing exterior stairs have proven to be problematic. Mr. DiDonna confirmed that the new building would be fully elevated.

In response to a question from Mrs. Cameron, Mrs. Raymond explained that the existing tenants are the first responsibility of the Darien Housing Authority. An outside agency, HERC, helps the tenants move. They aim to keep all of the tenants fully informed. Mrs. Cameron mentioned that it would be good to keep some of the tenants together during the move. Mrs. Raymond said that it depends on what is available. It is too early to tell. She added that Old Town Hall Homes is limited to those ages 62 and over. There are also income restrictions.

Mr. Olvany asked about any back door entries to the building. Mr. Crosskey responded that there are three entries—the front, the service entrance, and the back.

Mr. Hill then covered the zoning aspects of the proposal. He said that they are seeking to invoke the Municipal Use (MU) floating zone. The genesis of this zone was in 2002. Mr. Hill created and proposed the zone to allow for various municipal uses. He said that the Darien Library used the MU Zone, but the redevelopment of Allen O'Neill did not—they were rezoned to DMR with minor amendments to the Regulations. He said that the MU Zone is needed here for flexibility on building height and building coverage. He suggested that Commission members take a look at the provisions of this zone, and he then distributed copies of it. Mr. Sini then asked about Section 514 of the Darien Zoning Regulations. Mr. Hill responded that he had looked at invoking the DBR Zone. However, this is more of an apartment building, and he believed that the Background and

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Purposes of the MU Zone are applicable, and that zone specifically mentions public housing. He confirmed that it is a floating zone, which was also used during the redevelopment of the Darien Police Station. Mr. Sini suggested when the formal application is submitted, there should be two separate but related applications—one for the rezoning, and one for the site plan and special permit.

At about 8:35 p.m., Mrs. Cameron then read the next agenda item:

Deliberations and possible decisions regarding:

Proposed Amendment to the Darien Zoning Map (COZM #1-2015), Special Permit Application #246-C/Site Plan #251-C, Land Filling & Regrading Application #184-C/lot line adjustment, Sun Homes Darien, LLC, 36, 42 (formerly 0), and 48 Wakemore Street (Kensett II). Proposing to: establish the Designed Community Residential (DCR) overlay zone on parcels totaling approximately 2.49+/- acres; and raze the existing three structures on those properties and constructing ten new structures containing fourteen market rate units and three off-site below market-rate units at 269 Hoyt Street (two of which will be age-restricted); combine the three Wakemore Street parcels with Kensett I; and perform related site development activities.
DECISION DEADLINE: 12/3/2015.

Mr. Cunningham said that while he was not present at the two Kensett public hearings, he has watched them via Channel 79. Mr. Ginsberg explained that Mr. Sini had redlined the draft distributed to Commission members on Friday, and he then distributed Mr. Sini's redlined version.

Mr. Cunningham had some comments and questions regarding the draft, and confirmed with the other Commission members how they wished to handle construction vehicles on Wakemore Street. Mr. Olvany noted that Sun Homes is purchasing three structures which now have frontage on Wakemore Street thus they should have some rights to use the street. Mr. Cunningham said that he wants to be sensitive to the neighbors. Mrs. Cameron and Mr. DiDonna had typographical corrections to the draft. Mr. Voigt explained that he was in favor of requiring elevators for the Phase II units. Other Commission members agreed and agreed to change Condition O accordingly.

Mr. Sini explained some of the changes he made to the draft. He wondered whether it would be more efficient to see all the changes in a revised draft. Commission members felt comfortable voting on the document as redlined and modified tonight since there were no major changes. Mr. DiDonna then made a motion to adopt the draft resolution as amended this evening. Mr. Sini seconded that motion which was approved by a vote of 6-0. The Adopted Resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
November 10, 2015**

Application: Proposed Amendment to the Darien Zoning Map (COZM #1-2015)
Special Permit Application #246-C/Site Plan #251-C
Land Filling & Regrading Application #184-C/lot line adjustment
Sun Homes Darien, LLC, 36, 42 (formerly 0), and 48 Wakemore Street

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Street Address: 36, 42 (formerly 0), and 48 Wakemore Street
Assessors Map #8 Lots #226/227 (36 Wakemore Street),
#228/229 (0 or 42 Wakemore Street), and #230 (48 Wakemore Street)

Name and Address of Applicant:
(and contract purchasers) Sun Homes Darien LLC
3 Memorial Ave., Suite 301
Pawling, NY 12564

Name and Address of:
Applicant's Representative: D. Bruce Hill., Esq.
Law Office of Bruce Hill
30 Old King's Highway South
Darien, CT 06820

Activity Being Applied For: Proposing to: establish the Designed Community Residential (DCR) overlay zone on parcels totaling approximately 2.49+/- acres; and raze the existing three structures on those properties and constructing ten new structures containing fourteen market rate units and three off-site below market-rate units at 269 Hoyt Street (two of which were proposed to be age-restricted); combine the three Wakemore Street parcels with Kensett I; and perform related site development activities.

Subject properties: The subject properties are located on the north side of Wakemore Street approximately 1,025 feet east of its intersection with Hoyt Street.

Zone: R-1/3 Zone

Dates of Public Hearing: September 15, 2015 continued to September 29, 2015
Deliberations held: October 20, 2015

Time and Place: 8:00 P.M. Rooms 206 (9/29) & 119 (9/15) Town Hall

Publication of Hearing Notices
Dates: September 4 & 11, 2015 Newspaper: Darien News

Date of Actions: November 10, 2015

Proposed Amendment to the Darien Zoning Map (COZM #1-2015). Proposing to establish the Designed Community Residential (DCR) overlay zone on parcels totaling approximately 2.5+/- acres. ADOPTED WITH AN EFFECTIVE DATE OF SUNDAY, DECEMBER 13, 2015 AT TWELVE NOON.

Special Permit Application #246-C/Site Plan #251-C, Land Filling & Regrading Application #184-C/lot line adjustment. Razing the existing three structures on three Wakemore Street properties and constructing ten new structures containing fourteen market rate units and three off-site below market-rate units at 269 Hoyt Street, and performing related site development activities. GRANTED WITH STIPULATIONS AND MODIFICATIONS WITH AN EFFECTIVE DATE OF SUNDAY, DECEMBER 13, 2015 AT 12:01 PM.

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Scheduled Date of Publication of Action:
November 20, 2015

Newspaper: Darien News

Following careful review of the submitted application materials and related analyses, the Commission finds:

The subject applications consist of two parts:

- A. **Zoning Map amendment**. Proposing to establish the Designed Community Residential (DCR) overlay zone on parcels totaling approximately 2.5 acres;
- B. **Special Permit Application #246-C/Site Plan #251-C, Land Filling & Regrading Application #184-C/lot line adjustment**. Razing the existing three structures on those properties and constructing ten new structures containing fourteen market rate units and three off-site affordable units to become Kensett II, and performing related site development activities. This aspect of the application includes a number of related issues, including, but not limited to the issue of how to address the issue of Section 580 of the Darien Zoning Regulations--**Inclusionary Zoning**. This includes the question of whether any inclusionary unit should be constructed on-site, off-site, or a fee-in-lieu payment required.

A. ZONING MAP AMENDMENT

1. The first part of this Resolution addresses the proposed zoning map amendment. The Zoning Map amendment submitted by the applicant is a prerequisite to the site plan submitted with the application.
2. The applicant proposes that the existing boundary of the Designed Community Residential (DCR) overlay be extended to incorporate the properties noted herein: Assessor's Map #8 as Lots #226/227 (36 Wakemore Street) which is 0.5 acres; #228/229 (42 formerly 0 Wakemore Street) which is 1.2 acres; and #230 (48 Wakemore Street), which is 0.8 acres. Those properties total 2.5 acres, and are now zoned R-1/3. They are contiguous with the existing Kensett development.
3. The DCR Zone is an overlay zone established in 2007 by the Planning and Zoning Commission which allows multi-family development subject to Site Plan and Special Permit approval. While other overlay zones in Darien allow condominiums, the DCR overlay zone allows condominiums of a larger size designed to provide an appealing alternative to single-family homes for those preferring a community oriented toward adult living with a design emphasizing flexibility, adaptability and minimum maintenance.
4. The subject properties are adjacent to and to the south of Kensett (which is the original development approved by the Commission under the DCR regulations and is now sometimes referred to as Kensett Phase I). Kensett was formerly known as the Proccacini property on the north side of Wakemore Street and the east side of Hoyt Street. Kensett represents the only part of Darien which is currently within the DCR overlay zone. Kensett's Phase I project was

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approved in 2007 and it comprises approximately 15 +/- acres of land. The easterly portion of the site has considerable wetland area and is now protected by a conservation easement that prohibits further development or activity on that property.

5. The proposed amendment to the Zoning Map was referred to the Western Connecticut Council of Governments. Their August 31, 2015 comment was read aloud at the public hearing. The proposal was also referred to the Connecticut Department of Energy & Environmental Protection. In their e-mail dated September 2, 2015, they indicated that there were no inconsistencies with the proposal and the Connecticut Coastal Management Act.
6. Because the subject properties are adjacent to an existing DCR Zone to the north which has been developed as condominiums, and because the proposed Kensett II will utilize the same internal driveway to access the units and common facilities such as the clubhouse and pool and same infrastructure (sewer system, storm drainage, utilities, etc.) and because the property to the east is Town-owned property and inland wetlands, the Commission believes that it is an appropriate location to be rezoned to DCR.
7. The Commission finds that the proposed map amendment is consistent with the Town Plan of Conservation & Development, and thus extends the DCR Overlay Zone to include the three parcels on Wakemore Street. These will remain in the R-1/3 Zone, and will now have the DCR overlay zone.

NOW THEREFORE BE IT RESOLVED that based upon the review of all of the materials and information, the Commission, acting in its legislative capacity, hereby ADOPTS the ***Proposed Amendment to the Darien Zoning Map*** WITH AN EFFECTIVE DATE OF SUNDAY, DECEMBER 13, 2015 AT TWELVE NOON.

B. SPECIAL PERMIT APPLICATION #246-C/SITE PLAN #251-C, LAND FILLING & REGRADING APPLICATION #184-C/LOT LINE ADJUSTMENT

BACKGROUND AND HISTORY

1. On October 9, 2007, the Darien Planning & Zoning Commission approved Kensett Phase I. This included Proposed Amendments to the Zoning Map and Zoning Regulations, Site Plan Application #251, Special Permit Application #246, Land Filling & Regrading Application #184, Lot Line Adjustment #609 for Hoyt Street Partners, LLC, which rezoned and approved a Special Permit and Site Plan to construct 62 condominium units with associated recreation center, swimming pool and associated infrastructure, and perform related site development activities. The condominiums would be served by public water and sewer. A private, internal driveway, now known as Kensett Lane, was constructed from Wakemore Street to access the neighborhood. The project was situated on approximately 15 +/- acres of land.
2. As part of that application in 2007, the applicant noted that the 62 condominium units were to be "age targeted" but not "age restricted". However, the Commission understands that there are no restrictions on the age limits of who can live in and/or purchase these Phase I units. The Commission has relied upon and continues to rely upon the representations of the applicant that

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Kensett units will be “age targeted” for those ages 55 and above, both in their original sales and any subsequent sales of the Kensett Phase I condominiums as well as the proposed units in Kensett Phase II.

THE FIRST APPLICATION FOR KENSETT PHASE II

3. During a prior application in late 2014/early 2015 on Kensett Phase II, it became clear that the Kensett Phase I project was well underway, with many of the units complete, some units were occupied, and construction was ongoing. At those public hearings on Phase II (and the public hearings on the subject application as well) nearby property owners brought up their concerns and issues with Phase I. These concerns generally related to the following issues: density; age-targeting; stormwater management; safety issues regarding traffic and parking; and the two inclusionary zoning units proposed.
4. As part of that late 2014/early 2015 public hearing process, Attorney Bruce Hill, representing the applicant, said that the 2.5 acres of land to be added to the Kensett Phase I project would include a new conservation area of 6,317 square feet to be added to the open space of approximately 4.5 to 5 acres of the original Kensett Phase I project that is now set aside as conservation easement. He said that the total open space would satisfy the minimum open space requirements of the DCR Zone. The 2014 application proposed 18 new units, 16 were to be available at market rate, and would have been accessed via the internal driveway, Kensett Lane. The other two units were proposed to be ‘below market rate’ and would have been accessed directly from Wakemore Street.
5. The prior 2014/2015 application to modify the zoning map was rejected by the Commission by a vote of 3-3. Commission concerns related to the project included: 1) whether the new units would be age-targeted or age-restricted; 2) the safety of children waiting for the school bus near the corner of Hoyt Street and Wakemore Street; and 3) if the proposed below market rate units complied with the inclusionary zoning regulation. The subject application attempts to address those issues and concerns.

THE SUBJECT APPLICATION FOR KENSETT PHASE II

6. On August 14, 2015, the subject application was filed in the Planning and Zoning Department. The current proposal involves the same 2.5 acres of land discussed in the previous application to be added to the Kensett project. Currently these properties consist of three building lots with a total of five dwelling units. The current proposal is that 14 new, market-rate units would be added within the development (the previous application proposed 16 market-rate units on site). The current application also provides that three deed restricted below market-rate units would be provided within an existing three family building on a separate parcel of land located on the south side of Wakemore Street at its southeast intersection with Hoyt Street (the previous application proposed two on-site below market rate units). The three off-site below market rate units that have been proposed are in an existing, legally non-conforming dwelling and would satisfy the requirement in Section 580 of the Zoning Regulations requiring at least 12% of the new units must be below market rate housing units.
7. At the public hearing, Attorney Hill said that **the below market rate units on the separate parcel of land would all be affordable as defined by the State Statutes** not just below market

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rate as required by Section 580. He said all of the new units in Kensett Phase II would be age targeted and would be on the smaller than the average size of existing units throughout the development. All of the new units would be accessible from Kensett Lane and would not be accessible from Wakemore Street except in cases of emergency.

8. Bill McGuinness of Sun Homes Darien, LLC confirmed that during the construction and development of Kensett II, the emergency driveway will no longer be used for construction access. Sun Homes will continue with the restoration of the wetlands in accordance with EPC approval. This includes removal of invasive species and planting of new, native vegetation.
9. The applicant is not seeking a density bonus or a more dense development than is allowed by the DCR Regulations. However, the Commission must make applicable findings under Section 1005 to approve the desired density of the project. The Commission is not obligated to approve the maximum allowed within the district; they can only approve a project for which they can make the requisite findings of Section 1005 of the Regulations.

AGE TARGETING

10. It was confirmed by both the applicant and the Commission that Kensett Phase I was proposed and approved as age targeted, but not age restricted. Testimony during the public hearing was that Kensett Phase I includes a mix of households, including families with children, including school age children. Attorney Hill said that a majority of the owners are empty nesters, but there is a mixture of types of owners and occupants.
11. Phase II is also proposed to be age-targeted, not age restricted. Discussion occurred during the public hearing process and during deliberations as to the purpose of the DCR zoning district and the efficacy of the age-targeting which was done as part of Kensett Phase I. In 2007, representations were made regarding the size, design, and layout of the units and the fact that there were very limited on-site recreation areas appropriate for children.
12. As part of Kensett Phase II, no additional recreation facilities are proposed. The only recreation facilities are those which currently exist —the clubhouse, pool, and walking path through the conservation easement area. There is no playground or play field or separate bike riding or play area.
13. The subject application on page 3 of the submitted August 2015 application narrative notes that the applicants propose to implement the following standards in the design and marketing of Kensett Phase II:
 - Elevators will either be “roughed-in” or standard in each unit;
 - All units will have three bedrooms;
 - Design will comply with the Universal Design Guidelines (the AARP guidelines). These guidelines include wider doors and hallways, lower light switches; and one flush entry door;
 - No mention of schools in Kensett II marketing materials;
 - Additional page on the Kensett website including testimonials from current empty-nester owners;

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- Marketing materials include a commitment to modify any unit for a buyer's mobility requirements.
14. With respect to the new units proposed in Kensett II, Mr. DiDonna asked about the description of an elevator "rough in." Mr. McGuinness said that the design is to create a shaft built into the building so that an elevator can easily be installed in the future. If the elevator is not installed initially, the various levels of the shaft can be used as storage closets.
 15. Mr. DiDonna suggested during the public hearing that as the applicant has represented they would change their marketing materials, they should also mention the new Mather Center and other amenities available to seniors in the community.
 16. The proposed 14 new market-rate dwelling units will implement the Universal Design Guidelines so they can easily be modified for people with mobility issues. According to the applicant, this is one way that they are age targeting the units, so that people can easily accommodate the building to their lifestyle needs. Mr. McGuinness said that the Universal Design standards are incorporated in the development at little or no cost to the buyer so that the home can easily be modified as the mobility of the residents decreases and their need for assistance increases. He said that the Universal Design standards are built in at no additional cost, and the elevator shaft is designed in at no additional cost to the buyers, but the actual installation of an elevator is an option that the buyer would need to elect to pay for.

SAFETY OF CHILDREN WAITING FOR THE SCHOOL BUS

17. As part of the prior application, there was concern for the safety of children who now wait for the school bus in the mornings near the intersection of Wakemore Street/Hoyt Street and Kensett Lane. It was noted that vehicles line up along Wakemore Street to drop off children, which results in congestion near the Kensett/Wakemore Street intersection.
18. At the public hearing on the subject application it was again noted by neighbors that vehicles queue at the intersection of Hoyt Street and Wakemore Street waiting for the school bus. This constricts access to and from Wakemore Street. The Commission discussed the future possibility of the school bus to go through the Kensett site and then use the emergency egress driveway on the east end of the project to get to Wakemore Street. This would allow children to be picked up at the clubhouse where they could wait within the building and allow for several stops on Wakemore Street. This would eliminate the need to have vehicles parked on Wakemore Street near the intersection with Hoyt Street. Although this option was discussed, it was not approved by the Commission. Other potential solutions for this problem exist; however, they appear to be outside the control of the applicant, or on property which is not the subject of this application. For example, the Commission is not sure if a school bus would be allowed to go through the private internal driveway of Kensett. That decision would be solely up to the Board of Education, not the Planning & Zoning Commission.
19. This subject application proposes some improvements at the intersection of Hoyt Street and Wakemore Street to help create a safer bus stop area for the children in the neighborhood. These improvements include:

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- The inclusion of a bus stop shelter near the intersection of Hoyt Street and Wakemore Street;
- The inclusion of two parking spaces on the west side of the Kensett Lane private access road, near the intersection of Kensett Lane and Wakemore;
- The enhancement of an existing parking area off of the south side of Wakemore Street on the 269 Hoyt Street property, which will allow for waiting vehicles to park off-street and not block Kensett Lane or Wakemore Street. None of the spaces within that 269 Hoyt Street lot will be assigned spots, but they will be available for people to use on a temporary basis while waiting for school buses to pick up or drop off children.

The Commission acknowledges that there is no assurance that bus stop shelter or the off street parking areas will resolve the queuing of waiting vehicles. The provisions being established here are to improve the safety of those waiting for the school bus.

20. Mr. McGuinness said that there are eight proposed parking stalls on the site of the three-family house at the corner of Wakemore and Hoyt Street. Some of those parking stalls will be used by the residents in the three-family house and the other stalls can be used by parents waiting to drop off or pick up their children at the bus stop along Hoyt Street.
21. A question arose as to the appropriate size of the bus shelter, and whether it should be enclosed on one or more sides. The original proposal as part of this application is for a bus shelter that will include two benches and a roof, but no side walls.

INCLUSIONARY ZONING

22. This application has invoked Section 580—Inclusionary Zoning, as the applicant has proposed more than five dwelling units within the project. The applicant has proposed to comply with this regulation by creating and deed-restricting three new units within an existing, legally nonconforming, grandfathered three-family structure at 269 Hoyt Street (the southeast corner of Hoyt Street and Wakemore Street).
23. In response to questions at the public hearing, it was noted that the property at 269 Hoyt Street is currently a three family house and will be converted to affordable housing. It will be rented and will not be condominiumized. Ms. Cameron said that she recommends that these affordable units not be age restricted because of the building's existing design and current tenants.
24. The owner/residents of the below market rate housing units at 269 Hoyt Street would not be members of the Kensett Homeowner's Association.
25. At the public hearing, Mr. Sini asked if all three of the below market rate units could be deed-restricted for those earning less than 80% of State Median Income (SMI), rather than restricting the income limits against Area Median Income (AMI), which is what is required in Section 580 of the Regulations. Kensett representatives agreed to do so.
26. The Commission finds that in this specific instance, rather than having the affordable units being constructed within Kensett, it is in the best interests to require three affordable units to be constructed off-site within the existing structure at 269 Hoyt Street pursuant to Section 580 of the Darien Zoning Regulations.

STORMWATER MANAGEMENT

27. The plans will incorporate the final engineering and storm water management that has been discussed by the engineers. Mr. Voigt asked if this included the issues regarding the southerly portion of Kensett I, and he was told that it did.
28. During the public hearing, a number of neighbors had concerns about storm water drainage. Some of their concerns regarding pipe size and location and elevations were incorporated during the construction process of Phase I, and these changes do not always facilitate the flow of drainage from the Wakemore Street area through the Kensett site. They were adamant that the drainage needs must be properly addressed and the existing problems must be corrected. Concerns about drainage need to be taken into account before the development is expanded.
29. It was acknowledged that during the construction in Kensett Phase I, a large pipe carrying water from Wakemore Street through the Kensett site was temporarily funneled down into several smaller pipes. During that time a rain storm occurred and the water that could not adequately pass through Kensett, backed up into the properties on Wakemore Street. That temporary constriction has been removed.
30. John Watson, Professional Engineer said that the goal of the stormwater management plan of Kensett II is to capture and treat and infiltrate as much of the storm water as possible on the site so that it will minimize the amount of runoff that leaves the site. He said that the drainage plan that they have formulated will mitigate the total volume of runoff and the peak rate of runoff from the proposed development. He said that part of their analysis assumes that the existing structures will be removed and no credit has been taken for existing impervious surfaces. Mr. Watson said that part of the plan includes using porous pavers for the driveway so that the storm water will be absorbed into the ground rather than runoff being created. He said storm water from the roofs of the building will be directed into infiltrators so that it can percolate into the ground. He said that the new Kensett Lane extension will be constructed of porous asphalt so that runoff is not created. He said that storm water quality and quantity will be properly managed within proposed Kensett Phase II. During large storm events runoff from the impervious area will go into the stormwater detention pipes and be directed toward the storm water detention pond. This new stormwater management plan should reduce run-off from the site to neighboring properties.
31. The Commission notes the need for the applicant or property owner(s) to file a Notice of Drainage Maintenance Plan in the Darien Land Records. This will alert future property owners of the existing and proposed on-site drainage facilities and the need to maintain said facilities to minimize any potential downhill impacts.

PARKING/TRAFFIC SAFETY

32. Currently, there are three curb cuts or street openings on Wakemore Street on the three subject properties—one serving 36 Wakemore Street, one serving 48 Wakemore Street, and one is the emergency access to Kensett Phase I, off of Wakemore Street. As part of this application, the three Wakemore Street curb cuts would be eliminated. The Kensett Phase I emergency access would remain.

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33. Each of the 14 proposed units will include a two car garage. Five (5) additional parking spaces are proposed adjacent to the extension of Kensett Lane. During the public hearing, Bill McGuinness reviewed the revised site plan to note that two additional on-site parking spaces had been proposed near the 14 proposed new units.
34. As part of this proposal, the emergency access from the end of Kensett Lane, the private driveway through the development, will still go out to the eastern end of Wakemore Street.
35. A Traffic and Parking Assessment was submitted as part of the prior Kensett II application (which was ultimately not approved). The Town hired Michael Galante of Frederick P. Clark Associates to peer review that application. Mr. Galante's October 22, 2014 three-page letter made a number of recommendations. The traffic and parking information is still relevant and applicable to the pending application.
36. Oleg Starovoitov at 22 Wakemore Street said that he had submitted letters that had been signed from various neighbors in support of the project subject to certain conditions, including the "emergency only" use of the second driveway at the easterly end of Wakemore Street; that no construction traffic use Wakemore Street; that Wakemore Street be paved by November 26th; and that the gas line be installed in Wakemore Street as previously promised by the developer.
37. The parking requirement in the Darien Zoning Regulations is that each unit has 2.5 parking spaces. Parking in the driveway leading to the garage does not count as a required parking space. All parking must comply with the Darien Zoning Regulations in terms of number required, size, and backup aisle width.

GENERAL FINDINGS

38. The Darien Environmental Protection Commission (EPC) approved this project at their February 4, 2015 meeting as part of EPC #24-2014. That approval is hereby incorporated by reference. The Environmental Protection Commission (EPC) had approved the previous redevelopment of the area in question on these three Wakemore lots and since this project is very similar, the EPC did not need to take any further action. The fact that there is no additional site disturbance proposed in the upland review area beyond that previously approved was confirmed in a September 18, 2015 memo from Rich Jacobson, EPC officer.
39. During the public hearing process, it was represented that the proposed units in Kensett Phase II would have a similar design and look to Kensett Phase I.
40. The application has been reviewed by the Commission and, as amended herein, is in general compliance with the intent and purposes of Section 1000.
41. The proposal, as amended herein, conforms to the standards for approval as specified in Section 850 and Section 1005 (a) through (g) of the Darien Zoning Regulations.
42. The design, location, and specific details of the proposed use and site development, *as modified and granted herein*, will not adversely affect safety in the streets nor increase traffic congestion

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in the area, nor will they interfere with the patterns of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.

43. The elements of the Site Plan, submitted as part of the application, AS GRANTED WITH STIPULATIONS AND MODIFICATIONS HEREIN, accomplish the objectives for Site Plan approval as specified in subsections 1024-1025 of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that, effective December 13, 2015 at 12:01 PM (after the Zone map change becomes effective) Special Permit Application #246-C/Site Plan #251-C, Land Filling & Regrading Application #184-C/lot line adjustment for razing the existing three structures on those properties and constructing new structures containing 14 new market rate units and deed-restricting three off-site units at 269 Hoyt Street, and performing related site development activities are hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Construction, stormwater management and site development activity shall be in accordance with the following plans as submitted to the Commission, as required to be revised herein:
- Kensett II, by Insite Engineering, Surveying & Landscape Architecture, dated 08-13-15 and last revised 9-24-15, Sheets OP-1, SP-1 through SP-6, D-1 through D-5.
 - Kensett 289 Hoyt Street, by David Minno, dated 3/21/2014, Unit B, Sheet UB4-02; Unit G1, Sheet UG1-02; Unit G2, Sheet UG2-02, unit H1-L, Sheet UH1-L-02.

Four floor plans were submitted, which represent the four possible floor plans to be used for the market-rate units in Kensett Phase II.

All drawings and plans must be revised to be coordinated and consistent with each other and this approval, and with the changes and responses outlined within the September 14, 2015 and September 24, 2015 two-page letters from Insite to Jeremy Ginsberg and Planning & Zoning Commission. All new 14 on-site market-rate units shall be age-targeted, as proposed by the applicant.

PLAN MODIFICATIONS REQUIRED

- B. The Commission requires that the following changes and modifications be made to the submitted plans in Condition A.
1. All units in Kensett Phase II shall be no greater than the Average Floor Area allowed within the DCR Zone—3,900 square feet (not including any finished space in the basement). The maximum Average Floor Area in all units, including Kensett I and Kensett II (including the below market rate units) shall not exceed 3,900 square feet.
 2. The number of required and provided on-site parking spaces as well as the units/net acre shall be shown in a revised Zoning District Table on Sheet 1 of the plans.
 3. Ensure that parking in Kensett Phase II has sufficient parking and associated parking dimensions as required by the Darien Zoning Regulations.
 4. All HVAC units shall be shown on the revised plans.
 5. Plans shall be coordinated with the EPC approval.

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6. Fire Marshal Robert Buch made comments on the submitted plans. The plans shall be revised to reflect his comments.
 7. Show the trench drain at top of Wakemore Street on the revised plans.
 8. As recommended in Mr. Galante's October 22, 2014 letter, the pavement type of the emergency access shall be noted on the plans. A No Standing sign shall be placed so that the area between the gate and the terminus of the emergency access drive is not blocked by vehicles.
 9. The bus shelter shall be as shown on the submitted plans and as presented at the public hearing. It shall be installed along with the sidewalk in that vicinity prior to November 10, 2016.
- C. The applicant has proposed that all of the condominium units in Phase II will be served by a private driveway (Kensett Lane) and not a street. Since there is no new public or private road construction and no extension of public utility facilities, the Commission waives the requirement for submission of a Performance Bond.
- D. A recommendation from engineer Joe Canas was for a videotaping of the existing drainage system to ensure that there are no blockages. That shall be accomplished and proof submitted for the record prior to the issuance of the first Certificate of Occupancy for Kensett Phase II.
- E. In order to ensure public safety, no construction vehicles shall use the easterly portion of Wakemore Street for access. The demolition of the three existing structures may be done through Wakemore Street, rather than driving the demolition debris out through the Kensett Phase I development. However, the access for new construction must occur through the Kensett I driveway.
- F. As put forth by Attorney Bruce Hill on behalf of the applicant during the public hearing process, the applicant has made a commitment to re-pave Wakemore Street. That shall be accomplished prior to the issuance of the final Certificate of Occupancy for the tenth unit in Phase II, but no later than November 10, 2016. Since no construction activity will be using Wakemore Street for access, there is no need to worry about damaging the new pavement.

PRIOR TO CONSTRUCTION

- G. The conservation easement area shown on Sheet SP-2 of the plans shall be properly monumented by a licensed land surveyor for clear demarcation. This monumentation shall be put in place prior to the filing of the development and/or project plans in the Darien Land Records.
- H. Prior to preparing the final mylar, unit numbers and street addresses shall be verified with the Tax Assessor. Those should be included on the final mylar for filing.
- I. A construction phasing plan for Kensett II shall be submitted to the Planning and Zoning Department for review and action by the Planning and Zoning Director prior to the issuance of any Zoning or Building Permits. This will ensure the safety of residents who move into a portion of the Phase I or Phase II development during the construction process (before all of the units have been completed).

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- J. By January 3, 2016 (within the next 60 days) and prior to the issuance of a Zoning or Building Permit for the proposed construction and prior to the start of any filling or regrading work, a Drainage Maintenance Plan shall be submitted to the Planning and Zoning Office for review and action by the Director of Public Works and the Planning and Zoning Director. It shall coordinate and incorporate the maintenance agreement from Kensett Phase I. After approval by the two Directors, such plan shall be filed in the Planning & Zoning Department. The Drainage Maintenance Plan shall require the property owner and all subsequent property owners of Kensett Phase II to maintain the on-site drainage facilities, and will alert future property owners of the on-site drainage facilities and the need to maintain said facilities to minimize impacts upon adjacent properties. A Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records within 60 days of this approval.

DURING CONSTRUCTION

- K. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the plans and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- L. During construction within Kensett, there will be no routine construction access from the eastern end of Wakemore Street into the project. It will only be used for emergency access.
- M. During the public hearing process, there was concern raised regarding construction start times. For Kensett Phase II, which is being constructed on a much smaller area than Kensett Phase I, and is in some cases, much closer to nearby residences on Wakemore Street, the Commission hereby requires that no work start earlier than 7:00 A.M.

AGE TARGETING

- N. As part of Kensett Phase II, no new recreation facilities are proposed. The only recreation facilities are those which are now part of Phase I—the clubhouse, pool, and walking path through the conservation easement area. The Commission stipulates that no playground structures or play areas other than the facilities currently at the Clubhouse are allowed in the entirety of the Kensett development.
- O. The subject application on page 3 of the August 2015 application narrative notes the applicants propose to implement the following standards in the design and marketing of Kensett Phase II:
- Elevators shall be standard in each unit;
 - All units will have no more than three bedrooms;
 - Design will comply with the Universal Design Guidelines (the AARP guidelines). These guidelines include wider doors and hallways, lower light switches; and one flush entry door;
 - No mention of schools in Kensett II marketing materials;

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- Additional page on the Kensett website including testimonials from current empty-nester owners;
- Marketing materials include a commitment to modify any unit for a buyer's mobility requirements.
- The Commission also hereby requires that as the applicant changes their marketing materials, they should also mention the new Mather Center and other amenities available to seniors in the community. That shall be accomplished by February 1, 2016.

DRAINAGE/STORMWATER MANAGEMENT

- P. The applicant shall incorporate the recommendations outlined in the January 15, 2015 Joe Canas letter. This includes, but is not limited to, adding a sump to all drain inlets. The applicant will install a trench drain at the top of Wakemore Street to catch surface water that comes from Camp Avenue and Allwood Road and direct it to the inlet structure at the end of Wakemore Street.
- Q. The applicant shall install the drainage system as shown on the submitted plans. The applicant/property owner shall have the continuing obligation to make sure that storm water runoff and drainage from the site will not have negative impacts upon the adjacent properties. If such problems do become evident in the future, the Kensett Homeowner's Association shall be responsible for remedying the situation at the Homeowner's Association expense and as quickly as possible.
- R. It is incumbent upon the property owner(s) to maintain the installed drainage system, including, but not limited to, maintenance of the underground structures, (such as inspection and clean out once every 18 months or more frequently as needed). A long-term maintenance plan for drainage shall be submitted for the Planning and Zoning Commission file, and implemented by the property owner(s)/condominium association.

INCLUSIONARY ZONING REQUIREMENTS

- S. All three proposed units at 269 Hoyt Street shall be deed-restricted to those earning less than or equal to 80% of State Median Income (SMI). In this case, the Regulations only require two non-market-rate units, and allows one of them to be restricted to those earning up to 120% of Area Median Income (AMI). In this case, the applicant has proposed to go beyond that specific minimum requirement, and make the "below market rate" units "affordable" units. These three affordable units at 269 Hoyt Street shall be rental units. Associated deed restrictions shall be filed in the Darien Land Records prior to the issuance of a Zoning and Building Permit for the first market-rate unit for Kensett II, or by February 10, 2016, whichever comes first. These three affordable units shall not be age restricted.
- T. Restrictions on the below market rate/affordable housing units shall be filed in the Darien Land Records prior to the issuance of a Zoning or Building Permit for the first market-rate unit, or by February 10, 2016, whichever comes first. Copies of those restrictions, which should include the entity certifying annually the income verification of the tenants, would need to be submitted for the record in this matter.

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GENERAL CONDITIONS

- U. All utilities serving this property shall be underground. These include, but are not limited to, electrical, telephone, cable TV, and all other wiring.
- V. A final “as-built” survey is hereby required for each phase to certify that the site improvements (including drainage and landscaping) are all in compliance with the approved plans. In addition, a Professional Engineer shall certify in writing that the required drainage work has been properly completed in accordance with the approved plans. A certification shall be submitted regarding the final building height of the buildings as constructed.
- W. All site work around and related to a particular building, including but not limited to curbing, paved and striped parking spaces, drainage systems, safety signage, landscaping and other site improvements as shown on the approved plans shall be properly installed and completed prior to the use of and/or the issuance of a Certificate of Occupancy for that building.
- X. All landscaping shall be installed per the submitted Landscape Plan referenced in Condition A, above. Prior to implementation, any changes or substitutions must be reviewed and acted upon by the Planning and Zoning Commission. All required landscaping shall be installed around each unit prior to the issuance of a Certificate of Occupancy for that unit.
- Y. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies. This would include, but not be limited to: Demolition Permits and Sewer Disconnect Permits for the existing three buildings on Wakemore Street. Permits from the Fire Marshal will be needed to remove any existing underground oil tanks, to install any new oil tanks, and for removal of any above-ground or underground propane tanks. Zoning and Building Permits and Sewer Connection Permits will be needed for the new Kensett II units.
- Z. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke this permit as it deems appropriate.
- AA. This permit shall be subject to the provisions of Sections 858, 1009 and 1025 of the Darien Zoning Regulations, including but not limited to implementation (i.e., the start of construction) of the approved plan within two years of this action (November 10, 2017). This approval may be extended as per Sections 858, 1009 and 1025.

All provisions and details of the plans, as required to be revised and modified herein, shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. A Special Permit form shall be filed in the Darien Land Records within 60 days of this action or this approval shall become null and void. All completed requirements and materials including the drainage maintenance plan and Notice of Drainage Maintenance Plan; and the combining of this acreage within the acreage of Kensett Phase I via the filing of a mylar in the Darien Land Records, and the filing of the deed restrictions for 269 Hoyt Street shall be completed and submitted to the Planning and Zoning

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Department within 90 days of this action, and prior to the issuance of Zoning and Building Permits for any new units or this approval shall become null and void.

At about 8:50 p.m., Mrs. Cameron then read the next agenda item:

Flood Damage Prevention Application #329-B, Land Filling & Regrading Application #308-B, 25 Brush Island Road, LLC & James Degnan, 19, 23, and 25 Brush Island Road. Proposal to expand existing common driveway that serves #19 and #21 Brush Island Road to also serve #23 and #25 Brush Island Road and to perform related site activities within a regulated area.

Mrs. Cameron, Mr. Voigt and Mr. DiDonna confirmed that they had no issues with the project, and were comfortable with the draft resolution as written. Mr. Voigt made a motion to adopt the draft resolution as written. That motion was seconded by Mr. Sini, and was approved by a vote of 5-0, with Mr. Cunningham abstaining since he was not at the public hearing on this matter. The Adopted Resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
November 10, 2015**

Application Number: Flood Damage Prevention Application #329-B
Land Filling & Regrading Application #308-B

Street Address: 19, 23, and 25 Brush Island Road
Assessor's Map #56 as Lots #17, #17A, and #20

Name and Address of
Applicant's Representative: Thomas Nelson, PE
McChord Engineering Assoc.
1 Grumman Hill Road
Wilton, CT 06897

Name and Address of
Property Owner: James Degnan
19 Brush Island Road
Darien, CT 06820

Name and Address of
Applicant: 25 Brush Island Road, LLC
25 Brush Island Road
Darien, CT 06820

Activity Being Applied For: Proposal to expand existing common driveway that serves #19 and #21 Brush Island Road to also serve #23 and #25 Brush Island Road and to perform related site activities within a regulated area.

Property Location: The properties are situated on the north side of Brush Island Road approximately 1,250 feet west of its intersection with Nearwater Lane.

Zone: R-1

Date of Public Hearing: October 27, 2015

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices
Dates: October 16 & 23, 2015 Newspaper: Darien News

Date of Action: November 10, 2015 Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action: November 20, 2015 Newspaper: Darien News

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The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 406, 820, 850, and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted development plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. This application is to expand existing common driveway that serves #19 and #21 Brush Island Road to also serve #23 and #25 Brush Island Road and to perform related site activities within a regulated area.
2. The Commission has considered all evidence offered at the Public Hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the activities on the subject property and on the surrounding areas, and the suitability of such actions to the area for which it is proposed.
3. The Fire Marshal submitted comments on this application, and added comments on the October 27, 2015 revised plans in an e-mail dated October 27, 2015. The applicant revised the originally submitted plans to address the Fire Marshal's comments, but are only widening the shared driveway to twelve feet wide, rather than sixteen feet wide, as recommended by the Fire Marshal. In his October 27, 2015 e-mail, the Fire Marshal noted that "...the addition of the water main and fire hydrant, the overall widening of the driveway and the widened radius of driveways makes this common driveway a much more workable design from a fire safety standpoint..."
4. The proposed activities, to be implemented with the conditions listed below, will have no adverse impact on flooding, and therefore, this proposal is consistent with the need to minimize flood damage. In accordance with the submitted engineering information, the proposed activity will have no adverse impacts on flooding on adjacent properties.
5. The Commission has considered all evidence offered at the Public Hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the activities on the subject property and on the surrounding areas, and the suitability of such actions to the area for which it is proposed.

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6. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
7. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Flood Damage Prevention Application #329-B and Land Filling & Regrading Application #308-B are hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Construction of the shared driveway and other site related activity shall be in accordance with the plans entitled:
 - Common Driveway Plan 19, 21, 23 & 25 Brush Island Rd., Plan prepared for 25 Brush Island Road, LLC, by McChord Engineering Associates, Inc., last revised 10-27-2015, Drawing No. SE1.An essential part of this approval is the installation of the fire hydrant, as shown on the submitted plan.
- B. Due to the minor nature of the project, the Planning and Zoning Commission will not require a Performance Bond.
- C. Because this application is located within the bottom 1/3 of the watershed, the Commission hereby waives the requirement for stormwater retention or detention. To properly address stormwater quality, the applicant has proposed the installation of a rain garden near the driveway's intersection with Brush Island Road, on the 23 Brush Island Road property. No change of ground level or grade is permitted except as shown on the submitted and approved plans.
- D. As part of this application, a Drainage Maintenance Plan shall be submitted for the record. This Drainage Maintenance Plan requires the property owner and all subsequent property owners of 19 and 23 Brush Island Road to maintain the on-site drainage facilities (the rain garden at #23 and the new drain and associated pipe at #19), and will alert future property owners of the existing on-site drainage facilities and the need to maintain said facilities to address water quality. A Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records prior to the start of any work.
- E. Prior to commencing any construction, a certification shall be submitted from a licensed engineer that verifies that the final design complies with the applicable flood damage prevention requirements.
- F. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the Common Driveway Plan, and any additional measures as may be necessary due to site conditions. These sediment and erosion controls, plus any additional measures as may be needed due to site conditions, shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the

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sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.

- G. Once the work is complete, the applicant shall submit verification from the project engineer that all aspects of the site grading, have been completed in compliance with the approved plans and the flood damage prevention regulations.
- H. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- I. The granting of this approval does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency.
- J. This permit shall be subject to the provisions of Sections 858 and 1009 of the Darien Zoning Regulations, including but not limited to, **implementation and completion of the approved plan within one (1) year of this action (November 10, 2016).** This may be extended as per Sections 858 and 1009.

All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. A Special Permit form must be filed in the Darien Land Records prior to the start of work.

Land Filling & Regrading Application #368, Charles & Kristin Collier, 66 Pear Tree Point Road. Proposing to fill and regrade front yard, construct associated retaining walls, and perform related site development activities.

Mrs. Cameron, Mr. DiDonna and Mr. Sini said that they had no issues with the project, and were comfortable with the draft resolution as written. Mr. Voigt made a motion to adopt the draft resolution as written. That motion was seconded by Mr. Sini, and was approved by a vote of 5-0, with Mr. Cunningham abstaining since he was not at the public hearing on this matter. The Adopted Resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
November 10, 2015**

Application Number: Land Filling & Regrading Application #368

Street Address: 66 Pear Tree Point Road

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Assessor's Map #60 as Lot #20

Name and Address of Applicant
And Applicant's Representative: Sidney Marshman
Sidney Marshman Landscape Design
90 Long Neck Point Road
Darien, CT 06820

Name and Address of
Property Owner: Charles & Kristin Collier
256 Brookside Road
Darien, CT 06820

Activity Being Applied For: Proposing to fill and regrade front yard, construct two associated retaining walls a maximum of four feet high, and perform related site development activities.

Property Location: The subject property is situated on the east side of Pear Tree Point Road, approximately 1,200 feet north of its intersection with Crane Road.

Zone: R-1

Date of Public Hearing: October 27, 2015

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices
Dates: October 16 & 23, 2015 Newspaper: Darien News

Date of Action: November 10, 2015 Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action: Newspaper: Darien News
November 20, 2015

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 406, 850, and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

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1. This application is to fill and regrade portions of the side and front yards, construct associated retaining walls, and perform related site development activities. The associated retaining walls are each a maximum of four feet high. The residence is now served by public water and public sewer service.
2. A few months prior to the formal submittal of this application, the property owner cleared many trees in the front yard and within 100 feet of the Darien River, which is across Pear Tree Point Road from the subject property. Technically, that work was in violation of the Zoning Regulations. A restoration plan, including the installation of seven apple trees in the front yard and five sugar maples of 5" caliper along the front property line with an associated privet hedge along Pear Tree Point Road has been approved by the Commission and staff. That required restoration planting must be done, regardless of whether the proposed filling and regrading takes place. To be consistent, those proposed restoration plantings are shown on the plans and drawings of this application, however, the restoration planting must be done to correct the violation of the Regulations. It is not contingent upon, or to be delayed by, the filling and regrading work.
3. The landscape plan shows a potential pool, pool house and garage. Those potential structures are not the subject of this application. Administrative Zoning and Building Permits are needed for each of the three proposed structures prior to their installation. The subject application does not include any new impervious surface in its proposal.
4. The Commission has considered all evidence offered at the Public Hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the activities on the subject property and on the surrounding areas, and the suitability of such actions to the area for which it is proposed.
5. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
6. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Land Filling & Regrading Application #368 is hereby modified and approved subject to the foregoing and following stipulations, modifications and understandings:

- A. Filling & regrading, associated retaining walls, and other site related activity shall be in accordance with the plans entitled:
 - Filling & Grading Plan prepared for 66 Pear Tree Point Road, by LBM Engineering, LLC, scale 1"=30', dated September 10, 2015.
 - Collier Residence 66 Pear Tree Point Road, scale 1"=20', prepared by Sidney Marshman, received September 11, 2015.

The proposed plantings are an integral part of this approval.

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- B. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the Filling & Grading Plan (the stockpile area and sediment fence), and any additional measures as may be necessary due to site conditions. These sediment and erosion controls, plus any additional measures as may be needed due to site conditions, shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- C. Due to the minor nature of the project, the Planning and Zoning Commission will not require a Performance Bond.
- D. Once the filling and regrading work is complete, the applicant shall submit verification from the project engineer that all aspects of the site grading has been completed in compliance with the approved plans.
- E. Because this application is located within the bottom 1/3 of the watershed, and there is no new impervious surface proposed as part of this application, the Commission hereby waives the requirement for stormwater management. No change of ground level or grade is permitted except as shown on the submitted plans.
- F. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- G. The granting of this approval does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency.
- H. This permit shall be subject to the provisions of Sections 858 and 1009 of the Darien Zoning Regulations, including but not limited to, **implementation and completion of the approved plan within one (1) year of this action (November 10, 2016)**. This may be extended as per Sections 858 and 1009.

All provisions and details of the plans shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. A Special Permit form must be filed in the Darien Land Records prior to the start of the filling and grading work.

Mrs. Cameron then read the following agenda item:

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Flood Damage Prevention Application #193-A, 184 Nearwater Lane, LLC, 184 Nearwater Lane. Proposing to construct a new single-family residence and to perform related site development activities within a regulated area.

Mr. Sini made a motion to adopt the draft resolution as written. That motion was seconded by Mr. Voigt, and was approved by a vote of 5-0, with Mr. Cunningham abstaining since he was not at the public hearing on this matter. The Adopted Resolution read as follows:

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**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
November 10, 2015**

Application Number: Flood Damage Prevention Application #193-A

Street Address: 184 Nearwater Lane
Assessor's Map #55 Lot #5

Name and Address of Applicant
And Applicant's Representative: Mark Lebow
William W. Seymour & Associates
170 Noroton Avenue
Darien, CT 06820

Name and Address of Property Owner: 184 Nearwater Lane, LLC
c/o 202 Chestnut Hill Rd
Wilton, CT 06897

Activity Being Applied For: Proposing to construct a new replacement single-family residence and to perform related site development activities within a regulated area.

Property Location: The subject property is located on the east side of Nearwater Lane approximately 350 feet south of its intersection with Shipway Road.

Zone: R-NBD

Date of Public Hearing: October 27, 2015

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices
Dates: October 16 & 23, 2015 Newspaper: Darien News

Date of Action: November 10, 2015 Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action: Newspaper: Darien News
November 20, 2015

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 410 and 820 of the Darien Zoning Regulations for the Commission to approve this project.

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- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted development plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. This application is to construct a new replacement single-family residence and to perform related site development activities within a regulated area. The residence is now served by public water and public sewer service. The submitted plans show the existing shed in the rear of the property to be removed as part of this proposal.
2. The house will be elevated to have a first floor of at least elevation 16.0, which is two feet greater than the expected flood elevation shown on the FEMA Flood Insurance Rate Maps (FIRM) which went into effect in July 2013. All mechanical units will be placed on a platform to be at or above elevation 14.0, which will also comply with the FIRM which went into effect in July 2013.
3. The extent of filling and regrading is extremely limited, thus a Special Permit for Land Filling and Regrading was not requested or necessary. No filling or regrading is permitted beyond, or to a greater extent than, that which is specifically shown on the submitted plans. The Commission has considered all evidence offered at the Public Hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the activities on the subject property and on the surrounding areas, and the suitability of such actions to the area for which it is proposed.
4. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
5. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Flood Damage Prevention Application #193-A is hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Construction of a replacement single-family residence and other site related activity shall be in accordance with the plans entitled:
 - Zoning Location Survey 184 Nearwater Lane, prepared for 184 Nearwater Lane, LLC, by William W. Seymour & Associates, dated June 3, 2015 and last revised September 4, 2015.

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- Site Plan, VAS Construction 184 Nearwater Lane, by Woodard & Curran, dated September 2015 and last revised 9/11/2015, Sheet C-01.
 - New Home for VAS Construction by Michael LoBuglio AIA Architect, dated 8/26/15, Sheets A1-A6.
- B. Due to the minor nature of the project, the Planning and Zoning Commission will not require a Performance Bond.
- C. Because this application is located within the bottom 1/3 of the watershed, the Commission hereby waives the requirement for stormwater retention or detention. As part of the submitted plans, the applicant has included the installation of Cultec units for water quality purposes. These shall be installed as shown on the approved plans. No change of ground level or grade is permitted except as specifically shown on the submitted plans.
- D. The ground floor of the proposed residence will include the garage, cart storage area and crawl space. All of these spaces will have the required flood vents that will allow flood waters into the foundation during a flood event to equalize the external pressure on the foundation. There will be no mechanical equipment, dry storage or finished space on the ground floor.
- E. As part of this application, a Drainage Maintenance Plan shall be submitted for the record. This Drainage Maintenance Plan requires the property owner and all subsequent property owners of 184 Nearwater Lane to maintain the on-site drainage facilities, and will alert future property owners of the existing on-site drainage facilities and the need to maintain said facilities to address water quality. A Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records within 60 days of this approval and prior to the issuance of a Zoning or Building Permit.
- F. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the Site Plan (including the anti-tracking pad and silt fence), and any additional measures as may be necessary due to site conditions. These sediment and erosion controls, plus any additional measures as may be needed due to site conditions, shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- G. A detailed regrading design and storm water drainage system design have been incorporated into the plans to avoid potential impacts of runoff on the adjacent properties. Prior to the request for the Certificate of Occupancy for the construction work, the applicant shall submit verification in writing and photographs from the professional designer of the drainage system that all aspects of the stormwater management and grading in the yard have been completed in compliance with the approved plans referred to in Condition A, above.
- H. Accompanying the Zoning and Building Permit applications and prior to commencing construction, a certification shall be submitted from a licensed architect and/or engineer that

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verifies that the final design of the new house complies with the applicable flood damage prevention requirements.

- I. Once the construction work is complete and prior to the issuance of a Certificate of Occupancy for the residence, the applicant shall submit verification from the project engineer or architect that all aspects of the site grading, and building construction have been completed in compliance with the approved plans and the flood damage prevention regulations. Also prior to a Certificate of Occupancy, a final as-built survey shall be submitted by a licensed Land Surveyor certifying the final construction meets all building setbacks and building coverage maximums, and the finished floor elevation of the residence is at or above elevation 15.0, and the elevation of all mechanical units is at or above elevation 14.0, and final work is in compliance with local regulations.
- J. The applicant will need a separate Electrical Permit for the generator and air conditioning units, which are shown to be on a platform approximately eight feet high, in order to comply with the flood regulations. They must be at or above elevation 14.0, but may be higher. The submitted application materials show that the units have been screened and soundproofed, in order to minimize potential visual impacts and to comply with the Town and State noise ordinances. Evidence of the installed screening and soundproofing shall be submitted to the Planning & Zoning Department prior to the issuance of a Certificate of Occupancy.
- K. The granting of this approval does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency. This includes, but is not limited to: Zoning and Building Permit applications; and a Sewer Connection Permit from Darien Sewer Services for the connection for the proposed residence.
- L. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- M. This permit shall be subject to the provisions of Section 858 of the Darien Zoning Regulations, including but not limited to, implementation and completion of the approved plan within one (1) year of this action (November 10, 2016). This may be extended as per Section 858.

All provisions and details of the plans shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman.

Mrs. Cameron suggested moving the review of the three sets of meeting minutes to the end of the meeting in order to accommodate the general public. Other Commission members agreed.

Approval of Minutes

October 6, 2015 Public Hearing/General Meeting

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October 13, 2015 General Meeting
October 20, 2015 General Meeting/Public Hearing

At about 8:45 p.m., Mrs. Cameron the read the first public hearing agenda item:

PUBLIC HEARING

Continuation of Public Hearing regarding Proposed Amendments to the Darien Zoning Regulations put forth by the Darien Planning & Zoning Commission (COZR #2-2015).

Proposing to amend the Darien Zoning Regulations as follows:

1. Defining Building Coverage (Sections 210 and 223) relative to elevated patios, HVAC units, generators, fuel tanks, and pool equipment.
2. Modifying how side lot lines are defined where there is a small jog in the line (Section 210).
3. Modify Section 230 to allow Monument Signs and Modify Sections 925.1 and 926.3 to allow such signs in certain non-residential zones (the OB, DOR-1, DOR-5, SB and SB-E Zones).
4. Modify Section 334 and 385 to eliminate the need for Lot Width variances to redevelop on building lots which have at least 50% of the required Lot Width and Depth.
5. Modify Section 371—Height of Buildings or Structures (clarify Building Height relative to cupolas and mechanical equipment.)
6. Modify Section 384—Non Conformity, Other Than Use to clarify the existing Regulation.
7. Modify Section 406 #7—Eliminate the Total of Two side yards requirement which now affects the R-1/3 and R-1/5 Zones.
8. Modify Section 406f regarding detached accessory structures, to not allow finished space in detached accessory structures which do not meet the principal setbacks.
9. Modify Section 575 Area and Bulk Requirements DCR Zone to clarify what counts towards floor area.
10. Modify Inclusionary Zoning Regulations (Sections 583, 588a through 588e) to require that all below market rate units be changed to be affordable to those with an income equal to or less than 80% of State Median Income (SMI). Include updated SMI data and calculations.
11. Modify Section 572 to refer to the DMR Zone, when it should refer to the DCR Zone.
12. Modify Section 577 to reference signs allowed in the DCR zone.
13. Modify Section 625 Item 15 to be Maximum Average Floor Area of All Dwelling Units.
14. Modify Section 873. (Eligibility for Certification) to reflect updated report name and date.

Mr. Ginsberg explained that there had been a previous public hearing on these items, and tonight was the continuation of that public hearing. He noted that many of them are straightforward, but there are some more complex changes that he wanted to again review with the Commission tonight. He said that the commission may decide not to act on all of them. The ZBA is supportive of these changes generally.

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Relative to #1, Mr. Ginsberg said that the changes to the Building Coverage definition would clarify how to treat air conditioning units and generators. It also addresses the issue of elevated patios. He noted that at the last public hearing, there was a review of how #2 (the changes to Lot Line, Side) is a response to how things are actually seen out in the field. He noted that provision #3 relative to monument signs, is a change in response to recent approvals by the ZBA. He added that as discussed at the Commission's November 3 meeting, it may be worthwhile to pursue a more comprehensive review of Darien's sign regulations. He did acknowledge that in the meantime, he would recommend that the change relative to monument signs be considered.

It was noted that relative to Item #10, Mr. Ginsberg would be creating a new appendix to the Zoning Regulations to remove some of the detailed calculations out of Section 580.

Mr. Ginsberg explained proposal #4 relative to Lot Width. He said that the ZBA hears many lot width variance requests—there have been fourteen such requests within the past two years. Mr. Olvany asked about whether there was a specific reason to use 50% of required lot width versus some other number.

Mr. Ginsberg noted that proposal #5 addresses a number of issues. First, it clearly specifies that mechanical units on the roofs of buildings would not count towards building height if they are screened from view. It also tries to address how cupolas are treated, including how much of the roof area can be covered by a cupola. The existing policy is that a 4' x 4' x 4' cupola is exempt from the regulations and is considered the height necessary to accomplish the purpose. Mr. Ginsberg said that if the Commission decides to not proceed with the proposed change to cupolas, it should at least consider modifying the regulation to clarify long-time Department policy regarding size of cupolas. In response to a question, it was noted that the handout on cupolas distributed during the last public hearing was from a cupola manufacturer/distributor. It showed proper proportions of cupolas relative to building size, but the formula it created is difficult to explain. Mr. Ginsberg said that the ZBA has addressed twelve cupola requests within the past twelve years. Mr. DiDonna noted that generators on roofs could be a concern on small lots. Mr. Ginsberg noted the difference between commercial properties, which traditionally have mechanical equipment on the roof, and residential properties, which almost never do.

Mr. Ginsberg then reviewed proposal #7 relative to the Total of Two Side Yards. He referred to his October 30, 2015 memo which offered one way to modify this section of the Regulations. That proposal would eliminate the Total of Two requirement which now exists. He explained that this is a common ZBA variance request in the R-1/3 and R-1/5 zones. It does not affect other zoning districts. He then showed an example from Brookside Drive, where the applicant had a non-conforming situation with a two foot setback on one side. Mr. Ginsberg said that one other way to address this issue would be to specifically note in the regulations that if all new construction complies with existing setbacks, that a Total of Two Sideyard provision would no longer apply.

There were nobody present to speak from the general public on this application. There being no other comments or questions from Commission members, Mr. DiDonna made a motion to close the public hearing on this matter. That motion was seconded by Mr. Olvany, and unanimously approved.

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At about 9:20 p.m., Mrs. Cameron read the next agenda item:

Special Permit Application #277-C/Site Plan, Darien Butcher Shoppe, 13 Grove Street. Proposal for retail butcher shop with associated convenience food service use in a portion of the first floor of the existing 13 Grove Street building. The subject property is located on the southwest corner formed by the intersection of Day Street and Grove Street, and is shown on Assessor's Map #73 as Lots #15 & #16 in the Central Business District (CBD) Zone.

Attorney John Ryan was present on behalf of the proposed tenant. The Commission said that they are aware of the background of this building. Mr. Ginsberg noted that the butcher is a retail use, permitted as-of-right. The accessory Convenience Food Service use proposed requires a Special Permit. They can have up to eight indoor seats for this use.

Mr. Peter Crawford explained his background in the food industry. He is proposing side dishes to go with the meats that he will sell. There will be no cooking on site. Side dishes would be prepared at Amanda Smith Catering and be brought to the premises. Sandwiches would be prepared on-site. There will be no heating of foods. He would bring in fresh bread, possibly as frequently as daily.

Building owner Albert Orlando explained that the shared Dumpster is now emptied two times a week, and they plan on increasing that to at least three times a week.

It was acknowledged that an e-mail was received from adjacent property owner David Genovese. Mr. Ginsberg explained that an as-built survey of 13 Grove Street has not been received with the details regarding the final grades of the drainage. Mr. Orlando said that he can get that to Mr. Ginsberg.

Mr. Olvany asked about on-site parking of employees. Mr. Orlando said that the lease requires that all employees park off-site. Mr. Olvany asked Mr. Orlando to give a copy of the lease to Mr. Ginsberg for the record in this matter. Mr. Orlando then submitted parking counts he had recently taken. He acknowledged that Le Boudoir (the other first floor tenant in this building) is not yet open, nor is Fjord Fisheries, a first floor tenant in the other building on this property at 1015 Boston Post Road.

Mr. Crawford then confirmed that there would be no cooking done on-site. He said that therefore, no odors would be generated, and that all garbage would be double-bagged.

There were nobody present to speak from the general public. There being no other comments or questions from Commission members, Mr. Sini made a motion to close the public hearing on this matter. That motion was seconded by Mr. Olvany, and unanimously approved.

At about 9:35 p.m., Mrs. Cameron read the next agenda item:

Flood Damage Prevention Application #7-A, Peter & Megan Franchetti, 18 Waverly Road. Proposal to construct a replacement single-family residence and to perform related site development activities within a regulated area. The subject property is located on the west side of

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Waverly Road, approximately 300 feet south of its intersection with Shipway Road, and is shown on Assessor's Map #55 as Lot #22 & #23, in the R-NBD (residential) Zone.

Architect Chad Nehring was present to describe the proposal. He said that the 18 Waverly Road property is in the Noroton Bay District. The existing house has a first floor at elevation 9.2, and will be razed. The first floor of the new replacement residence will be at elevation 15.0. It will have masonry stairs for access. A masonry pad will be constructed for associated mechanical equipment, which will be placed at or above elevation 14.0. The new house will have a crawl space with smart vents. The propane tank will be buried, and strapped down in order to meet the flood regulations. There will be minor changes to the grade—a maximum of one foot in any one location. A stormwater management plan has been prepared, and includes 100 linear feet of Cultec units. A Drainage Maintenance Plan will be submitted.

The new house will result in 18.4% building coverage. The property will have two or three air conditioning units on the mechanical pad, and a generator. These will be enclosed on three sides and have soundproofing. The generator is quiet—in the range of 70-73 decibels.

Mr. Olvany asked about the number of bedrooms in the proposed residence. Mr. Nehring replied that there will be four bedrooms on the second floor, and a playroom over the garage.

There were nobody present to speak from the general public. There being no other comments or questions from Commission members, Mr. Sini made a motion to close the public hearing on this matter. That motion was seconded by Mr. Voigt, and unanimously approved.

At about 9:45 p.m., Mrs. Cameron then read the next agenda item:

Flood Damage Prevention Application #350, Rodman & Susan Benedict, 15 Plymouth Road.

Proposal to construct a replacement single-family residence and to perform related site development activities within a regulated area. The subject property is situated on the east side of Plymouth Road approximately 75 feet south of its intersection with Baywater Drive and is shown on Assessor's Map #55 as Lot #74, in the R-NBD (residential) Zone.

Architect Neil Hauck explained the proposal. He distributed revised plans dated 11-10-2015. The proposal is to raze the existing residence and construct a new single-family residence. The existing residence was damaged during Storm Sandy a few years ago. The new residence will conform with the Darien Zoning Regulations and the FEMA regulations. The existing structure is non-conforming, and the existing shed will be removed.

The property is in flood zone AE14, and the existing residence is at elevation 9.9, and the new residence will be at elevation 15.6 in some areas and some areas at elevation 16.0. The foundation will have smart vents. There will be a mix of single vents and stacker models. The mechanical units will be on a platform to be at least at elevation 15.6. There will be two air conditioning units, and room for a generator in the future. They will put a screen around three sides of the units, and include sound attenuation material.

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Mr. Hauck confirmed that the property is not within 100 feet of Mean High Water. He explained that there are two minor changes which have been incorporated into the plans distributed this evening. The first is the change to the flood vents. The second is the redesign of the front steps. He also noted that although the plan shows a one foot wall around the house, the property owner would prefer to not include the wall, but just include a gentle grade in that area. Mr. Ginsberg noted his concern, and wanted to ensure that this modification would not need a filling and regrading application under Section 850.

Mr. Hauck said that they have proposed Cultec units. Mr. Olvany then asked about the size of the house and the number of bedrooms. Mr. Hauck responded that the house will be about 3,400 square feet, 2-1/2 stories high. Mr. Voigt said that he had concerns about the roof deck, as users would look down at adjacent properties. He acknowledged that this is a nice feature, but could have a potential impact on neighbors. Ms. Carrie Maturo of 40 Baywater Drive said that she had no concerns with the submitted plans, and was glad that they are screening and soundproofing the mechanical units.

There being no other comments or questions from Commission members or the general public, Mr. Voigt made a motion to close the public hearing on this matter. That motion was seconded by Mr. Sini, and unanimously approved.

Mrs. Cameron then read the following agenda item which was postponed from earlier in the evening:

Approval of Minutes

October 6, 2015 Public Hearing/General Meeting

Mrs. Cameron said that she had some minor comments. Mr. DiDonna had some typographical corrections. Mr. Voigt made a motion to approve the minutes as amended. That motion was seconded by Mr. DiDonna, and approved by a vote of 6-0.

October 13, 2015 General Meeting

Mr. DiDonna had a correction to page 3. Mr. Voigt had some typographical corrections. Mr. Voigt then made a motion to approve the minutes as amended. That motion was seconded by Mr. DiDonna, and approved by a vote of 4-0-2 (with Mr. Olvany and Mr. DiDonna abstaining, since they were not at the meeting).

October 20, 2015 General Meeting/Public Hearing

Mr. Sini, Mr. DiDonna, Mr. Voigt and Mrs. Cameron all made minor comments and suggested changes to the draft minutes. Mr. DiDonna then made a motion to approve the minutes as amended. That motion was seconded by Mr. Voigt, and approved by a vote of 5-0-1, with Mr. Cunningham abstaining, since he was not present that night.

Mr. Ginsberg noted that the next Commission meeting will be November 24.

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There being no further business, the following motion was made: That the Commission adjourn the meeting. That motion was made by Mr. Voigt, seconded by Mr. Sini and unanimously approved. The meeting was adjourned at 10:10 P.M.

Respectfully submitted,

Jeremy B. Ginsberg
Planning & Zoning Director

11.10.2015min

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